

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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HUASCAR DE LA ROSA,

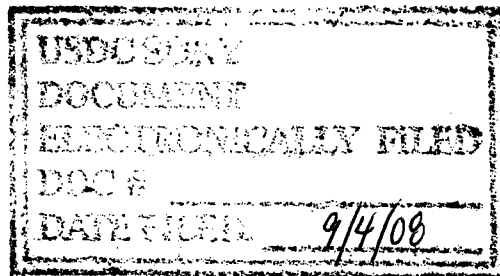
Plaintiff,

-against-

JOHN DOE #1, DEA Agent Who Shot Plaintiff on :  
December 20, 2005; Officer Amrani, New York :  
Police Assigned to the Precinct 33, :

Defendants. :  
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KEVIN NATHANIEL FOX  
UNITED STATES MAGISTRATE JUDGE



ORDER

07 Civ. 7577 (PKC)(KNF)

Plaintiff Huascar De La Rosa ("De La Rosa ") commenced this action in August 2007. Thereafter, in November 2007, he filed an amended complaint, owing to his inability to identify precisely the persons whom he has named as defendants in this action. The plaintiff, thus far, has been unable to effect service of the summons and complaint. To facilitate that exercise, the Court issued an order to the Corporation Counsel for the City of New York, pursuant to Valentin v. Dinkins, 121 F.3d 72 (2d Cir. 1997), directing that he use his good offices to obtain and then furnish to the plaintiff information that will enable him to identify and, thereafter, if possible, effect service of process on the defendants. Correspondence received from the Office of the New York City Corporation Counsel recently explains that it is still endeavoring to obtain and furnish to the plaintiff the requisite information.

Before the Court is an application by the plaintiff that the Court request an attorney to represent him in prosecuting this action. 28 U.S.C. § 1915(e)(1) provides that a court "may request an attorney to represent any person unable to afford counsel." Through his application,

the plaintiff has demonstrated that he is without the resources to retain an attorney to assist him. However, inasmuch as the plaintiff has not been able to effect service of the summons and complaint on the defendants, and it is not guaranteed that he will be able to do so, requesting an attorney to assist him in prosecuting this action, at this juncture in the proceedings, would not be reasonable and appropriate. Therefore, the plaintiff's application, for the Court to request an attorney to represent him in this action, Docket Entry No. 8, is denied, without prejudice to a renewed application should the plaintiff succeed in effecting service of the summons and complaint on the defendants.

Dated: New York, New York  
September 4, 2008

SO ORDERED:

  
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KEVIN NATHANIEL FOX  
UNITED STATES MAGISTRATE JUDGE

Copies mailed to:

Huascar De La Rosa  
Philip S. Frank